

EXPRESS EV 386481035 US
PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

PCT

To:

THIES, Stephan
Deutsche Thomson-Brandt GmbH
European Patent Operations
Karl-Wiechert-Allee 74
30625 Hannover
ALLEMAGNE

RECEIVED

30. Sep. 2005

THOMSON Hannover
Patent Department

NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL PRELIMINARY
REPORT ON PATENTABILITY

(PCT Rule 71.1)

Date of mailing
(day/month/year)

28.09.2005

Applicant's or agent's file reference
PA040025 ✓

IMPORTANT NOTIFICATION

International application No.
PCT/EP2004/006392

International filing date (day/month/year)
15.06.2004

Priority date (day/month/year)
30.06.2003

Applicant
THOMSON LICENSING S.A. et al

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary report on patentability and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.
4. **REMINDER**

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed inventions is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the international
preliminary examining authority:



European Patent Office
D-80298 Munich
Tel. +49 89 2399 - 0 Tx: 523656 epmu d
Fax: +49 89 2399 - 4465

Authorized Officer

Bapisch, A

Tel. +49 89 2399-2262




PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference PA040025		FOR FURTHER ACTION		See Form PCT/IPEA416
International application No. PCT/EP2004/006392		International filing date (day/month/year) 15.06.2004	Priority date (day/month/year) 30.06.2003	
International Patent Classification (IPC) or national classification and IPC H04N1/00, H04N1/21, H04N5/765, G11B27/028				
Applicant THOMSON LICENSING S.A. et al				
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 6 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> sent to the applicant and to the International Bureau) a total of sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>				
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the opinion</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>				
Date of submission of the demand 07.01.2005		Date of completion of this report 28.09.2005		
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465		Authorized Officer Gil Zamorano, A Telephone No. +49 89 2399-7629		



**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/EP2004/006392

Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This report is based on translations from the original language into the following language, which is the language of a translation furnished for the purposes of:
 - ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

Description, Pages

1-16 as originally filed

Claims, Numbers

1-7 as originally filed

Drawings, Sheets

1/7-7/7 as originally filed

☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. ☐ The amendments have resulted in the cancellation of:
 - ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing (*specify*):
 - ☐ any table(s) related to sequence listing (*specify*):
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
 - ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing (*specify*):
 - ☐ any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/EP2004/006392

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-7
	No: Claims	
Inventive step (IS)	Yes: Claims	
	No: Claims	1-7
Industrial applicability (IA)	Yes: Claims	1-7
	No: Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

Re Item V.

- 1 The following documents are referred to in this communication:
D1 : US 5 661 823 A (IZAWA FUMIO ET AL) 26 August 1997 (1997-08-26)
D2 : EP 1 030 518 A (SONY CORP) 23 August 2000 (2000-08-23)
D3 : US 6 446 177 B1 (KAWAMOTO KAZUYA ET AL) 3 September 2002 (2002-09-03)

2 INDEPENDENT CLAIM 1

- 2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 does not involve an inventive step in the sense of Article 33(3) PCT.

First of all it is important to notice that the subject-matter of claim 1 is not limited to any kind of devices (including USB devices) but relates to a very general method and therefore multiple interpretations of such a method are possible. For instance, a skilled person in the art could consider a personal computer running a *Windows 2000 Professional* operative system comprising a floppy disc drive as closest prior art to the subject-matter of claim 1. This commonly known computer obviously checks the type of user input upon occurrence of a user input (eg. start the Internet Explorer). Now let us suppose that the user inserts a floppy disc. If the user inputs a command which is not related to the disc (or removable media) into the disc drive, the "status" of the disc drive will remain the same. If the user input is related to the disc (refresh, copy to disc...), then the operating system will check at least whether the disc is present or has been changed. If the disc is the same the "current status" is kept, otherwise if it is detected that a different disc was inserted an update will be performed.

It seems that the method as specified by claim 1 is not more than an old and commonly known way used for many years in the computer technology to read floppy discs (and CDS or DVDs) and for this reasons claim 1 does not meet the criteria of Article 33 PCT.

2.2 For the sake of completeness it will be added that the subject-matter of claim 1 is so broad that it can also be read in the disclosure of document D1.

Document D1 discloses a method for indicating the current status of a removable media device provided for being loaded with at least one removable medium, and being connected to a device for reading and/or writing AV storage media (fig.62; col.37, l.41 - col.38, l.43), having steps of:

- checking the type of user input upon occurrence of user input (col.43, l.1-56),
- keeping the status of the removable media device if the type of user input is not related to the removable media device (col.51, l.23-27),
- else checking whether a characteristic feature of the at least one removable medium has changed (col.51, l.32-36),
- keeping the current status if the characteristic feature has not changed (col.51, l.37-43), and
- else updating the status (col.55, l.6-47).

At this point it is important to mention that "a characteristic feature" could be anything, for example the number of files, the structure of the files including titles and dates, etc and does not necessarily relate to the presence or absence of a memory stick. In this sense, in the mentioned sections of D1, when the user input is a "display function" many characteristic features such as the ones mentioned above have not changed and the current status is obviously kept. On the other hand, if the user input is a function used for recording, copying and deleting image data, then the characteristic features change and an update is required.

For this reason claim 1 does not involve an inventive step in the sense of Article 33(3) PCT in the light of document D1.

2.3 Similar arguments could be used for document D2. Document D2 discloses a signal converter loaded with a PC card or a memory stick, which converts and stores AV data to and from the removable media devices according to a predetermined operation by a user (par.[0013]-[0015]). The user will use several input buttons to perform different commands relating or not to the removable medium (par.[0021]-[0027]). The signal converter determines on the basis of a signal (characteristic feature) supplied from the Memory Stick interface and a signal supplied from the PC

card interface, whether these removable media devices are loaded or not (par.[0066]-[0070]). Notice that in every action related to the removable media several characteristics are updated.

3 INDEPENDENT CLAIM 7

- 3.1 The subject matter independent **claim 7** corresponds in terms of apparatus features to that of claim 1. The objections raised in respect of this latter claim; therefore, also apply, mutatis mutandis, to independent claim 7, which is thus not inventive.

4 DEPENDENT CLAIMS 2-6

Dependent **claims 2-6** do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect inventive step (Article 33(2) and (3) PCT) see documents D1-D3 and the corresponding passages cited in the search report.

Notice that according to claim 2 the characteristic feature can be an identifier of the medium. This could be in conflict with claim 1, since the identifier of the medium does not change but rather the removable medium itself.